

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TAMMIE DAVIS, an individual, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

COLE HAAN, INC. a New York
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 11-cv-01826-JSW

**STIPULATION AND [PROPOSED] ORDER
TO COORDINATE RELATED CASES**

Judge: Hon. Jeffrey S. White
Place: Courtroom 11, 19th Floor

Trial Date: Not Yet Set

Case No. 11-cv-02187-JSW

STEFANI CONCEPCION, an individual, on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

COLE HAAN, INC. a New York
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

1 Plaintiffs Tammie Davis and Stefani Concepcion and defendant Cole Haan¹ (collectively,
2 “the Parties”), by and through their respective counsel, jointly submit the following Stipulation
3 that the above-captioned related actions be coordinated.

4 RECITALS

5 WHEREAS, the above-captioned cases, *Davis v. Cole Haan, Inc., et al.*, Case No. 11-cv-
6 01826-JSW (“*Davis*”) and *Concepcion v. Cole Haan, Inc., et al.*, Case No. 11-cv-02187-JSW
7 (“*Concepcion*”), have been designated as related cases and assigned to the same judge;

8 WHEREAS, on June 27, 2011, Cole Haan filed a motion to dismiss plaintiff Davis’s claim
9 for *cy pres* relief, and plaintiff’s opposition brief is currently due on July 11, 2011;

10 WHEREAS, on June 28, 2011, Cole Haan filed a motion to dismiss plaintiff Concepcion’s
11 claim for *cy pres* relief, and plaintiff’s opposition brief is currently due on July 12, 2011;

12 WHEREAS, the hearing for both motions to dismiss is currently scheduled for
13 September 30, 2011; and

14 WHEREAS, the two cases warrant coordination because they involve common questions
15 of law and fact and because coordination would advance the interests of judicial economy and
16 efficiency.

17 STIPULATION

18 NOW, THEREFORE, IT IS STIPULATED AND AGREED, by the Parties, through their
19 respective counsel of record, as follows:

20 1. The *Davis* and *Concepcion* actions should be coordinated. Plaintiffs, however,
21 wish to maintain the independence of their complaints and preserve the separate nature of their
22 actions and defenses. Thus the Parties do not request consolidation at this time.

23 2. The Parties will coordinate and jointly meet and confer regarding discovery, class
24 certification, dispositive motions, and other pretrial issues to avoid inefficiencies and duplicative
25 efforts. For example, the parties agree judicial economy and efficiency mandate consolidated
26 discovery and briefing with regard to class certification and dispositive motions.

27
28 ¹ Cole Haan was erroneously sued as “Cole Haan, Inc.”

3. In order to facilitate coordination of discovery, class certification, dispositive motions, and other pretrial issues, the Parties agree that the cases should proceed under one case number as follows: all filing should occur in the lower numbered *Davis* case and the coordinated higher numbered *Concepcion* case should appear below it in the caption.

4. Because the hearing date for both motions is September 30, 2011, and in light of this stipulation, the parties propose an updated briefing schedule as follows: plaintiffs will file a joint opposition brief by August 1, 2011, and defendant will file its reply brief on or before September 1, 2011.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

[CONTINUED ON NEXT PAGE]

1 **IT IS SO STIPULATED.**

2 Dated: June 29, 2011

COOLEY LLP
MICHELLE C. DOOLIN (179445)
BEATRIZ MEJIA (190948)
JENNIFER M. FRENCH (265422)

3
4
5 /s/ Jennifer M. French

6 Jennifer M. French

7 Attorneys for Defendant
8 COLE HAAN

9
10 Dated: June 29, 2011

HARRISON PATTERSON & O'CONNOR LLP
JAMES R. PATTERSON (211102)

11
12 /s/ James R. Patterson

13 James R. Patterson

14 Attorneys for Plaintiff
15 TAMMIE DAVIS

16
17
18 Dated: June 29, 2011

STONEBARGER LAW, APC
GENE J. STONEBARGER (209461)
RICHARD D. LAMBERT (251148)

19
20
21 /s/ Gene J. Stonebarger

22 Gene J. Stonebarger

23 Attorneys for Plaintiff
24 STEFANI CONCEPCION

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation Regarding Deadline to Respond to Complaint.

Dated: June 29, 2011

COOLEY LLP
MICHELLE C. DOOLIN (179445)
BEATRIZ MEJIA (190948)
JENNIFER M. FRENCH (265422)

/s/ Jennifer M. French
Jennifer M. French

Attorneys for Defendant
COLE HAAN

[PROPOSED] ORDER

Based on the foregoing, and good cause appearing, **IT IS HEREBY ORDERED** that:


1. The following related cases shall be and hereby are coordinated: *Davis v. Cole Haan, Inc., et al.*, Case No. 11-cv-01826-JSW and *Concepcion v. Cole Haan, Inc., et al.*, Case No. 11-cv-02187-JSW. The coordinated cases shall proceed under one case number as follows: all filing should occur in the lower numbered *Davis* case and the coordinated higher numbered *Concepcion* case should appear below it in the caption.

2. The Parties shall coordinate and shall jointly meet and confer regarding discovery, class certification, dispositive motions, and other pretrial issues.

3. The briefing schedule for defendant's two pending motions to dismiss, which will be heard jointly on September 30, 2011, is as follows: plaintiffs shall file a joint opposition brief by ~~August 1~~ ^{July 22}, 2011, and defendant shall file its reply brief by ~~September 1~~ ^{August 5}, 2011.

IT IS SO ORDERED.

Dated: June 29, 2011



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE